

STATE OF WASHINGTON



P.O. BOX 40255  
OLYMPIA, WA 98504-0255  
Phone: (360) 725-7000

OFFICE OF  
INSURANCE COMMISSIONER

**Technical Advisory - T 2000-02**

**Thursday, April 6, 2000**

**Attn:** All Health Carriers

Provider Contracts and Conflicts Between

**Subject:** OIC Rules and other Federal and State  
Laws

The Office of Insurance Commissioner (OIC) has recently learned that some health carriers have been reluctant to enter into provider agreements with Tribal Health Clinics and other health care providers who are part of the Indian Health Services. Federal law applicable to these providers conflict with some of the recently adopted OIC rules governing provider contracts. Carriers requested clarification from the OIC regarding the ability of carriers to deviate from OIC rules to satisfy federal requirements.

For example, OIC rules prohibit discrimination against health plan enrollees by providers. Federal law restricts access to Indian Health Services. To contract with tribal facilities, carriers could not require these facilities to see all plan enrollees. Other provisions of federal law similarly conflict with OIC contract requirements.

To enable Indian Health Services and tribal facilities and providers to contract with carriers, the OIC will specifically review and approve provider contracts that deviate from OIC rules as necessary to satisfy conflicting state and federal laws. The OIC will review and approve these contracts on a case by case basis and will work with carriers to devise standard clauses that meet the needs of Indian Health Services.

Carriers are advised to contact the OIC whenever they believe a conflicting state or federal law prevents or limits contracting because of OIC rules. In each case, the OIC will review and advise the carrier. Carriers should contact John S. Conniff, Health Policy Deputy at (360) 664-3786.